

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TRAVELERS PROPERTY CASUALTY COMPANY  
OF AMERICA a/s/o Ethical Culture Fieldston School  
and Ethical Culture Fieldston,

07CV11178

**ANSWER TO  
CROSS-CLAIMS**

Plaintiffs,

- against -

TISHMAN CONSTRUCTION CORPORATION  
OF NEW YORK, JOHN CIVETTA & SONS, INC.,  
AMBROSINO, DEPINTO, SCHMIEDER  
CONSULTING ENGINEERS, P.C., MUNOZ  
ENGINEERING & LAND SURVEYING, P.C.,  
COOPER, ROBERTSON & PARTNERS, LLP,  
and LANGAN ENGINEERING AND  
ENVIRONMENTAL SERVICES, INC.

Defendants.

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DEFENDANT, JOHN CIVETTA & SONS, INC., (“CIVETTA”) by and through its attorneys  
RUBIN, FIORELLA & FRIEDMAN LLP, as and for its answer to the cross-claims of Co-Defendant  
Ambrosino, DePinto, Schmieder Consulting Engineers, P.C, dated March 7, 2008, alleges upon  
information and belief, as follows:

**ANSWERING THE FIRST CROSS-CLAIM**

1. Denies each and every allegation contained in the paragraph of the cross-claim  
designated “46”, as they refer to this Defendant, and denies knowledge and information sufficient  
to form a belief on to the truthfulness of the allegations therein, as they refer to any other Defendant.

**ANSWERING THE SECOND CROSS-CLAIM**

2. Denies each and every allegation contained in the paragraph of the cross-claim  
designated “47”, as they refer to this Defendant, and denies knowledge and information sufficient


to form a belief on to the truthfulness of the allegations therein, as they refer to any other Defendant.

WHEREFORE, JOHN CIVETTA & SONS, INC., demands judgment dismissing the complaint herein as against it and further demands that the ultimate rights of this defendant and the co-defendants TISHMAN CONSTRUCTION CORPORATION OF NEW YORK, AMBROSINO, DEPINTO, SCHMIEDER CONSULTING ENGINEERS, P.C., MUNOZ ENGINEERING & LAND SURVEYING, P.C., COOPER, ROBERTSON & PARTNERS, LLP, and LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES, INC., as between themselves, be determined, and that JOHN CIVETTA & SONS, INC., have judgment against these co-defendants determined, and that JOHN CIVETTA & SONS, INC., have judgment against these co-defendants for all, or that portion of any verdict or judgment which may be obtained herein by the plaintiff against this answering defendant to the extent that the responsibility of the co-defendants contributed to plaintiff's loss, together with the costs and disbursements of this action.

Dated: New York, New York  
March 10, 2008

Yours truly,

RUBIN FIORELLA & FRIEDMAN, LLP,



By: Patrick J. Corbett Esq.  
RUBIN, FIORELLA & FRIEDMAN LLP  
Attorneys For John Civetta & Sons, Inc.  
292 Madison Avenue, 11<sup>th</sup> Floor  
New York, NY 10017  
(212) 953-2381  
Our File No.: 587-10174

To: Robert C. Sheps, Esq.  
Sheps Law Group, P.C.  
Attorneys for Plaintiff  
35 Pinelawn Road, Suite 106E  
Melville, New York 11747  
(631) 249-5600

William R. Bennett III, Esq.  
Bennett, Giuliano, McDonnell & Perrone, LLP  
Attorneys for Defendant  
Tishman Construction Corporation Of New York  
494 Eighth Avenue, 7<sup>th</sup> Floor  
New York, NY 10001

Mark S. Krieg, Esq.  
Krieg Associates, P.C.  
Attorneys for Defendant  
Cooper, Robertson & Partners, LLP  
5 Heather Court  
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Kaufman Borgeest & Ryan, LLP  
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(914) 741-6100

Leonardo D'Allesandro, Esq.  
Milber, Makris, Plousadis & Seiden, LLP  
Attorneys for Defendant  
Ambrosino, Depinto & Schmieder Consulting Engineers, P.C.  
3 Barker Avenue, 6<sup>th</sup> Floor  
White Plains, NY 10601

Lawrence Klein, Esq.  
Sedgwick, Detert, Moran & Arnold, LLP  
Attorneys for Defendant  
Langan Engineering and Environmental Services, Inc.  
125 Broad Street, 39<sup>th</sup> Floor  
New York, NY 10004  
(212) 422-0202

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK        )  
                                  )ss.:  
COUNTY OF NEW YORK )

**DENISE FELICIANO**, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides in Merrick , New York.

That on the 10th day of March, 2008, deponent served the within **ANSWER TO CROSS-**

**CLAIMS** via Regular Mail upon:

Robert C. Sheps, Esq.  
Sheps Law Group, P.C.  
Attorneys for Plaintiff  
35 Pinelawn Road, Suite 106E  
Melville, New York 11747  
(631) 249-5600

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Langan Engineering and Environmental Services, Inc.  
125 Broad Street, 39<sup>th</sup> Floor  
New York, NY 10004  
(212) 422-0202

in this action at the address designated by said attorneys for that purpose by depositing same enclosed  
in a post-paid properly addressed wrapper, in an office depository under the exclusive care and custody  
of the United States Postal Service within the State of New York.

Sworn to before me this  
10<sup>th</sup> day of March 2008

  
\_\_\_\_\_  
Notary Public

**SUSAN RYAN**  
Notary Public, State of New York  
No. 43-4912244  
Qualified in Richmond County 09  
Commission Expires November 9, 20\_\_

  
\_\_\_\_\_  
DENISE FELICIANO

Index No.: 07CV11178  
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SOUTHERN DISTRICT OF NEW YORK

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TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA  
a/s/o Ethical Culture Fieldston School and Ethical Culture Fieldston,

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-against-

TISHMAN CONSTRUCTION CORPORATION OF NEW YORK,  
JOHN CIVETTA & SONS, INC., AMBROSINO, DEPINTO, SCHMIEDER  
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LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES, INC,

Defendant(s).

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ANSWER TO CROSS-CLAIMS

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**RUBIN, FIORELLA & FRIEDMAN LLP**

Attorneys for Defendant -  
JOHN CIVETTA & SONS, INC  
Office and Post Office Address  
292 Madison Avenue  
New York NY 10017  
212-953-2381

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Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated:

Signature \_\_\_\_\_

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PLEASE TAKE NOTICE

☐ Notice of  
Entry

that the within is a (certified) true copy of a  
entered in the office of the clerk of the within named Court on

☐ Notice of  
Settlement

that an Order of which the within is a true copy will be presented for settlement to the  
Hon. one of the judges of the within named Court,  
at  
on